## TRANSCRIFT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

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in the bill would jeopardize Nebraska's compliance with federal There are a number of minor changes that are standards. incremental in nature. First, the bill amends or adds several definitions within the definition section. The most significant changes are the inclusion of local government employees within the definition of a noncommercial applicator when applying Also the bill adds a definition of outdoor vector controls. pesticide management plans. This term is added in anticipation of potential federal regulations that would require states to develop state management plans for our federally designated list of specific pesticides. A proposed rule has not yet been published, but the inclusion of the term enables the department to comply should the federal government proceed with this rule. Several of the changes reinforce the requirement that the use or possession of pesticides is restricted to licensed applicators who are certified in the use for which the pesticide is intended. Through certification applicators receive training and demonstrate competency for pesticide use for a particular category of application. In some cases a pesticide may have applications in more than one category; for example, a pesticide may be useful in both crop production and forestry. However, to use the pesticide for both categories, an individual must be in both categories. certified In several instances the Pesticide Act specifies that use or possession and supervision employees shall be by a licensed applicator. The amendments clarify that this use and supervision shall be by a licensed applicator certified in the category the pesticide is used in. The next major area is clarification of the department's authorities found in Section 2-2626, which is amended by new Section 7 of LB 329 added by this amendment. Amendment to 2-2626 begins on page 13 of the amendment. The bill adds, or clarifies authorities relating to: one, developing pesticide management plans; two, imposing record keeping requirements; three, issuing advisory examples of how regulations apply in specific situations; and four, authority to inspect and access records of pesticide manufacturers and packagers. Section 23 also clarifies the department's duty to investigate third-party complaints of damages due to pesticide applications. significant issue is the amendment of Section 2-2625 which preempts local government regulations of pesticices. As originally introduced, the bill would remove the preemption of